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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/395,455	09/14/1999	ANDREW SARKISIAN	199-1135	6058

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EXAMINER

COLON, CATHERINE M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/395,455

Applicant(s)

SARKISIAN ET AL.

Examiner

C. Michelle Colon

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 October 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): 35 USC 101 rejection.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: 10 and 23.Claim(s) rejected: 1-4, 6-8, 13-15, 17-21, 26-31 and 33.

Claim(s) withdrawn from consideration: _____

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

ADVISORY ACTION

This is an Advisory Action in response to the After Final Response submitted on October 20, 2004. The proposed amendments have been entered and overcome the 35 U.S.C. 101 rejection provided in the Final Office Action. However, the Request for Reconsideration does not place the application in condition for allowance.

In the Remarks, Applicant argues that Cooper does not disclose a brand-attribute matrix. However, it is noted that the features upon which applicant relies (i.e., brand-attribute matrix) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner cannot find anywhere in the rejected claims any recitation of a brand-attribute matrix. In the Final Office Action in Examiner's response to arguments, Examiner was merely using the term, brand-attribute matrix, to describe the teachings of Cooper as having steps to develop a brand profile. Additionally, Cooper actually uses the term, brand-attribute matrix, in paragraph 3 of page 7 to describe Table 2. However, whether or not Cooper teaches a brand-attribute matrix is not relevant to the patentability of the claims since the claims do not expressly recite a brand-attribute matrix. Furthermore, Cooper does teach a brand-attribute matrix on page 7 and in Table 2, which discusses vehicle attributes relating to usage experience, driving experience and design, such as front legroom, rear-seat room, engine size, horsepower, revolutions per mile and overall maintenance. Cooper teaches the vehicle attributes relating to vehicle brands. For example, Cooper teaches that the brands of Small Specialty/Domestic cars such as

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Camaro, Firebird, Mustang and Corvette have attributes that include long in front, short in rear, and higher cost of maintenance compared to imports. Additionally, Examiner respectfully submits that all cars have a related brand and associated attributes. A matrix is essentially a grouping, thus the brand-attribute matrix in Cooper is a grouping of product attributes related to vehicle characteristics. On page 3, Cooper discloses placing attributes in classes based on consumers' decision-making process, and thus, brand personality importance. Also on pages 3, 9 and 10, Cooper discloses generating preferred vehicle brand positions and target vehicle characteristics where it states (on page 3) that consumers have different consideration sets of brands...a market can be divided into a certain number of submarkets in which homogeneous consumers consider a distinctive subset of brands with a particular rule of attribute evaluation and reference to a specific ideal point. Accordingly, Examiner submits that while the claims do not expressly recite a brand-attribute matrix, Cooper does teach a brand-attribute matrix.

Therefore, the Request for Reconsideration has been considered, but does not place the application in condition for allowance. Claims 1-4, 6-8, 13-15, 17-21, 26-31 and 33 remain rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 703-605-4251. The examiner can normally be reached Monday – Friday from 8:30am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 703-305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

703-872-9306 [Official Communications; including After Final
communications labeled "Box AF"]

703-746-7202 [For status inquiries, draft communication, labeled
"Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7th floor receptionist.


smc

October 28, 2004